



THW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Case No. 03-465-A (400.136))

**PATENT**

**In re Application of:**

**McSwiggen et al.**

**Serial No.: 10/693,059**

**Filed: October 23, 2003**

**For: RNA Interference Mediated Inhibition of  
Gene Expression Using Chemically  
Modified Nucleic Acid (siNA)**

**Examiner: TBA**

**Group Art Unit: 1645**

**Confirmation No. 1557**

**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Office of Initial Patent Examiner's  
Customer Service Center

Dear Sir:

1. Attached is a copy of the official filing receipt received from the PTO in the above-referenced application for which issuance of a corrected filing receipt is respectfully requested.
2. There are errors with respect to the following data, which is incorrectly entered.

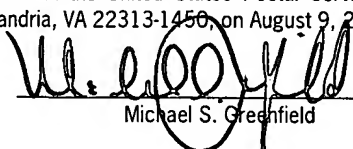
**Error In:**

Domestic Priority Data as Claimed by Applicants: PCT/US02/15876 filed  
5/20/02  
Foreign Applications: PCT/US02/15876, filed 5/20/02

**CERTIFICATE OF MAILING (37 C.F.R. 1.8a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450, on August 9, 2004

Date: August 9, 2004

  
Michael S. Greenfield

**Correct Data:**

Domestic Priority Data as Claimed by Applicants: PCT/US02/15876 filed  
5/17/02  
Foreign Applications: PCT/US02/15876, filed 5/17/02

**Error In:**

Applicants: Fosnaugh Kathy  
Jamison Sharon  
Usman Nassim  
Thompson James  
Vargeese Chandra  
Wang Weimen

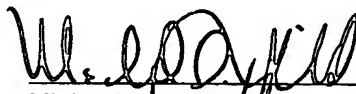
**Correct Data:**

Applicants: Kathy Fosnaugh  
Sharon Jamison  
Nassim Usman  
James Thompson  
Chandra Vargeese  
Weimin Wang

3. The correction is not due to any error by applicant and, accordingly, no fee is due. Applicants submitted the correct priority information on the Application Data Sheet filed with this application. The PTO listed erroneous information in the filing receipt due, it appears, to incorrect data that was in the PTO records. A request for a correction of the data in the PTO database has been submitted, and a copy of that request is attached hereto as Exhibit A.

Respectfully submitted,

Date: August 9, 2004

  
\_\_\_\_\_  
Michael S. Greenfield  
Registration No. 37,142



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 03-465-A (400.136))

In re Application of:

McSwiggen et al.

Serial No.: 10/693,059

Filed: October 23, 2003

For: RNA Interference Mediated Inhibition of Gene  
Expression Using Chemically Modified Nucleic  
Acid (siNA)

Examiner: TBA

Group Art Unit: 1645

Confirmation No. 1557

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Office of Initial Patent Examiner's  
Customer Service Center

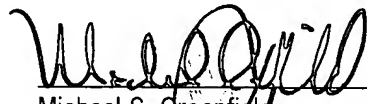
Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
2. Request for Corrected Filing Receipt;
  - a) copy of Filing Receipt with changes noted thereon; and
  - b) Exhibit A; copy of Petition to Accord Express Mail "Date-In" as Filing Date, filed 8/3/04
  - c) postcard.
3. With respect to fees:
  - a) A fee is not required at this time.
  - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.
4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450 on August 9, 2004.

Respectfully submitted,

Date: August 9, 2004

  
\_\_\_\_\_  
Michael S. Greenfield  
Registration No. 37,142



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

AUG 12 2004

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/693,059	10/23/2003	1645	385	MBHB03-465-A (400/136)	84	17	1

CONFIRMATION NO. 1557

## FILING RECEIPT



\*OC00000013169550\*

020306

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
300 S. WACKER DRIVE  
32ND FLOOR  
CHICAGO, IL 60606

DOCKETED

JUL 12 2004

DUE DATE: 1/23/04 10/23/04  
BY: DB

Foreign Filing

Date Mailed: 07/08/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

James McSwiggen, Boulder, CO;  
Bharat M. Chowrira, Louisville, CO;  
Leonid Beigleman, Longmont, CO;  
Dennis Macejak, Arvada, CO;  
Shawn Zinnen, Denver, CO;  
Pamela Pavco, Lafayette, CO;  
Peter Haeberli, Berthoud, CO;  
David Morrissey, Boulder, CO;  
-Fosnaugh Kathy, Boulder, CO;  
-Jamison Sharon, Boulder, CO;  
-Usman Nassim, Lafayette, CO;  
-Thompson James, Lafayette, CO;  
-Vargeese Chandra, Broomfield, CO;  
Wang Weimen, Superior, CO;  
Tongqian Chen, Longmont, CO;  
Narendra Vaish, Denver, CO;

Kathy Fosnaugh  
Sharon Jamison  
Nassim Usman  
James Thompson  
Chandra Vargeese  
Weimen Wang

## Assignment For Published Patent Application

Sima Therapeutics, Inc.;

## Domestic Priority data as claimed by applicant

This application is a CIP of 10/444,853 05/23/2003 ✓  
and is a CIP of 10/652,791 08/29/2003 ✓  
which is a CON of 10/422,704 04/24/2003 ✓  
which is a CON of 10/417,012 04/16/2003 ✓

This application 10/693,059✓  
 is a CIP of PCT/US03/05346 02/20/2003✓  
 and is a CIP of PCT/US03/05028 02/20/2003✓  
 which claims benefit of 60/358,580 02/20/2002✓  
 and claims benefit of 60/363,124 03/11/2002✓  
 and claims benefit of 60/386,782 06/06/2002✓  
 and claims benefit of 60/406,784 08/29/2002✓  
 and claims benefit of 60/408,378 09/05/2002✓  
 and claims benefit of 60/409,293 09/09/2002✓  
 and claims benefit of 60/440,129 01/15/2003✓

This application 10/693,059✓  
 is a CIP of 10/427,160 04/30/2003✓

and is a CIP of PCT/US02/15876 05/20/2002✓ 05/17/02  
 (\*)Data provided by applicant is not consistent with PTO records.

## Foreign Applications

If Required, Foreign Filing License Granted: 01/22/2004

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

## Title

RNA interference mediated inhibition of gene expression using chemically modified short interfering nucleic acid (siNA)

## Preliminary Class

435

---

## LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

## GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



Our Case No. 02-912 PCT (600.019)

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sirna Therapeutics, Inc.

Serial No. PCT/US02/15876

Filing Date: May 17, 2002

For: Conjugates and Compositions for  
Cellular Delivery

**PETITION TO ACCORD EXPRESS MAIL "DATE IN" AS FILING DATE**

Mail Stop PCT RO/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants request the correction of the filing date under 37 CFR § 1.10 to accord the Express Mail "Date In" as the filing date of the above referenced application. The application has been accorded the date of receipt of the application with the United States Receiving Office, which differs from the date of deposit of application with the United States Express Mail service number EL 602855817 US.

Attached herewith is a copy of the United States Express Mail Receipt, indicating May 17, 2002 as the "Date In" and therefore, date of deposit under 37 CFR § 1.10. A copy of the postcard and Transmittal letter are also enclosed.

The Commissioner is hereby authorized to charge any fees required to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Stephen H. Docter  
Registration No. 44,659  
Attorney for Applicants

McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker  
Suite 3200  
Chicago, IL 60606  
(312) 913-0001

# POST OFFICE TO ADDRESSEE



ORIGIN (POSTAL USE ONLY)

PO ZIP Code 60607	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In Mo. 7 Day 702	<input type="checkbox"/> 2 Noon <input type="checkbox"/> 3 PM	Postage \$ 1.95
Time In Mo. 7 Day 702	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight lbs. 6.7	Int'l Alpha Country Code	COD Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Insurance Fee
		Total Postage & Fees \$ 1.95

## CUSTOMER USE ONLY

METHOD OF PAYMENT:

Express Mail Corporate Acct. No.  
Federal Agency Acct. No. or  
Postal Service Acct. No.

☐ **WAIVER OF SIGNATURE** (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent. (If delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

☐ **NO DELIVERY**

☐ Weekend ☐ Holiday

Customer Signature

FROM: (PLEASE PRINT)

PHONE

TO: (PLEASE PRINT)

PHONE

ACDORNELL, ROEHNNEN, MULBERT &  
SINGHOFF  
300 S WACKER DR  
CHICAGO  
02-112-PCT (663/762) SRD:13J  
IL 60606-6606

BOX PCT  
ASSISTANT COMMISSIONER  
FOR PATENTS  
WASHINGTON  
DC 20231-9999

**PRESS HARD.**  
You are making 3 copies.

**FOR PICKUP OR TRACKING CALL 1-800-222-1811**

**www.usps.gov**



**Best Available Copy**

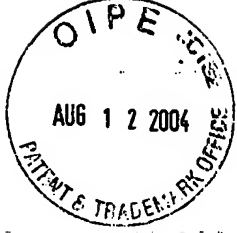


\*EL602855817US\*

EL602855817US

SEE REVERSE SIDE FOR  
SERVICE GUARANTEE AND LIMITS  
ON INSURANCE COVERAGE

Customer Copy  
Label 11-F July 1997





# TRANSMITTAL LETTER TO THE UNITED STATES RECEIVING OFFICE

PTO-1382 (Rev. 4-1995) (Modified)

PCTUS2.FRP / REV 03

Date	May 17, 2002
International Application No.	
Attorney Docket No.	02-312-PCT;600.019

## I. Certification under 37 CFR 1.10 (if applicable)

EL602855817US
Express Mail mailing number

May 17, 2002
Date of Deposit

I hereby certify that the application/correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

<i>Stephen H. Docter</i>
Signature of person mailing correspondence

Tina G. Jasso
Typed or printed name of person mailing correspondence

## II. ☒ New International Application

TITLE	CONJUGATES AND COMPOSITIONS FOR CELLULAR DELIVERY
-------	---

Earliest priority date (Day/Month/Year)
18.05.01

**SCREENING DISCLOSURE INFORMATION:** In order to assist in screening the accompanying international application for purposes of determining whether a license for foreign transmittal should and could be granted and for other purposes, the following information is supplied. (Note: check as many boxes as apply):

- A. ☐ The invention disclosed was not made in the United States.
- B. ☐ There is no prior U.S. application relating to this invention.
- C. ☒ The following prior U.S. application(s) contain subject matter which is related to the invention disclosed in the attached international application. (NOTE: priority to these applications may or may not be claimed on form PCT/RO/101 (Request) and this listing does not constitute a claim for priority).

application no.	60/292,217	filed on	18 May 2001
application no.	60/306,883	filed on	20 July 2001

- D. ☐ The present international application ☐ is identical ☐ contains less subject matter than that found in the prior U.S. application(s) identified in paragraph C.
- E. ☐ The present international application ☐ contains additional subject matter not found in the prior U.S. application(s) identified in paragraph C. above. The additional subject matter is found on pages  and ☐ DOES NOT ALTER ☐ MIGHT BE CONSIDERED TO ALTER the general nature of the invention in a manner which would require the U.S. application to have been made available for inspection by the appropriate defense agencies under 35 U.S.C. 181 and 37 CFR 5.1. See 37 CFR 5.15

## III. ☐ A Response to an Invitation from the RO/US. The following document(s) is (are) enclosed:

- A. ☐ A Request for An Extension of Time to File a Response
- B. ☐ A Power of Attorney (General or Regular)
- C. ☐ Replacement pages:

pages		of the request (PCT/RO/101)	pages		of the figures
pages		of the description	pages		of the abstract
pages		of the claims			

- D. ☐ Submission of Priority Documents

Priority document		Priority document	
-------------------	--	-------------------	--

- E. ☐ Fees as specified on attached Fee Calculation sheet form PCT/RO/101 annex

## IV. ☐ A Request for Rectification under PCT 91 ☐ A Petition ☐ A Sequence Listing Diskette

## V. ☒ Other (please specify): Return Postcard

The person signing this form is the:

<input type="checkbox"/> Applicant
<input checked="" type="checkbox"/> Attorney/Agent (Reg. No.)
<input type="checkbox"/> Common Representative

Stephen H. Docter, Reg. No. 44,659

Typed name of signer

*Stephen H. Docter*  
Signature

Hon. Commissioner of Patents & Trademarks

Atty: SHD:tgj

Re: Ribozyme Pharmaceuticals, Inc.

PCT Patent Application for "Conjugates and Compositions for Cellular Delivery"

Case No. 02-312-PCT;600.019

Date Mailed: May 17, 2002

Sir:

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of the following:

Transmittal Letter with Certificate of Express Mail (1 sheet); PCT Request (Form PCT/RO/101) (6 sheets); PCT Calculation sheet (1 sheet); Description (134 sheets); Claims (55 sheets); Abstract (1 sheet); Drawings (31 sheets).

Respectfully,  
McDonnell Boehnen Hulbert & Berghoff  
Attorney for Applicant

EL602855817US